

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RAMESH SESAN,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 20-CV-11663-IT
)	
WARDEN A. BONCHER,)	
)	
Respondent.)	
)	

**RESPONDENT'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, FOR
SUMMARY JUDGMENT**

The Respondent, A. Boncher, Warden of Federal Medical Center, Devens, Massachusetts (“Respondent”), by his attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, moves this Court to dismiss Petitioner Ramesh Seshan’s (“Seshan”) petition for writ of habeas corpus pursuant to Fed. R. Civ. P. 12(b)(6), or, in the alternative, moves for summary judgment. Seshan claims that the Bureau of Prisons (“BOP”) has miscalculated his federal sentence by failing to credit his current sentence for time he previously spent in state custody. As set forth in the accompanying memorandum of law, because the time Seshan spent in state custody was already credited to his prior state sentence, he cannot receive double credit for that same period of time for his current sentence. 18 U.S.C. § 3585(b).

Accordingly, Respondent respectfully requests that this Honorable Court allow Respondent’s motion to dismiss the habeas petition in this case, as it fails to state a claim upon which relief may be granted, or, in the alternative, grant summary judgment in Respondent’s favor.

ANDREW E. LELLING
United States Attorney

By: /s/ Erin E. Brizius
Erin E. Brizius
Assistant United States Attorney
United States Attorney's Office
John J. Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3398
Erin.E.Brizius2@usdoj.gov

Dated: February 26, 2021

LOCAL RULE 7.1 CERTIFICATION

I have not conferred with Petitioner in a good faith attempt to narrow or resolve the issues raised by this motion, pursuant to L.R. 7.1(a)(2), because Petitioner is incarcerated and proceeding *pro se*.

/s/ Erin E. Brizius
Erin E. Brizius
Assistant United States Attorney

Dated: February 26, 2021

CERTIFICATE OF SERVICE

I, Erin E. Brizius, Assistant United States Attorney, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Erin E. Brizius
Erin E. Brizius
Assistant United States Attorney

Dated: February 26, 2021